

The Honorable Richard A. Jones

UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

<p>UNITED STATES OF AMERICA, Plaintiff, v. CHARLES ROLAND CHEATHAM, et al., Defendants.</p>	<p>NO. CR18-131RAJ COMPLEX CASE MANAGEMENT ORDER</p>
<p>UNITED STATES OF AMERICA, Plaintiff, v. MICHAEL SCOTT MORGAN, et al., Defendants.</p>	<p>NO. CR18-132RAJ</p>

UNITED STATES OF AMERICA, Plaintiff, v. BOBBY BEASLEY, WESLEY ARMSTRONG, CLEOPHUS SHEPARD, JIHAD ZEIGLER, Defendants.	NO. CR18-144RAJ CR18-145RAJ CR18-147RAJ CR18-161RAJ
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These related cases came before the Court for a status conference and motion hearing on August 1, 2018.

Prior to the hearing, in orders dated July 18, 2018, the Court appointed Russell M. Aoki as Coordinating Discovery Attorney for all of these related cases.

At said hearing, the Court reviewed a stipulated motion to continue these related trials to a date in May of 2019, and heard from the government and individual defendants who objected to the continuance altogether and/or the proposed length of the continuance.

During the course of the hearing, the parties also discussed the volume and nature of the discovery involved; the complexities involved in managing this discovery, even with the assistance of Mr. Aoki; and the complexities inherent in the number of defendants in this case.

At the close of the hearing, the Court found that the ends of justice and the complexity of this case outweighed the interests of the public and of the objecting defendants to having this matter brought to trial sooner, overruled the objections and continued all of these trials to May 6, 2019.

The Court also instructed the parties to meet and confer regarding a complex case schedule to manage this matter.

1 The parties have done so. All of the parties herein, with the exception of
2 Defendant Nathaniel Wells (Defendant # 14 in *U.S. v. Cheatham et al.* CR18-131RAJ)
3 hereby stipulate and agree that the Court should enter the following proposed order.^{1, 2}

4 The Court, having reviewed the record and files in this case, having considered the
5 matters discussed at the August 1, 2018 status conference, and being otherwise fully
6 advised, adopts this schedule, over any objection by Defendant Nathaniel Wells:

Event	Date
Government to continue to provide discovery under Fed. R. Crim. P. 16(a)(1)(A) – (F) and Local CrR 16(a)(1), including its continuing obligations set forth in Rule 16(c)	Ongoing
Government to Supersede to Add Substantive Counts/Defendants	November 28, 2018
First Status Conference	December 14, 2018, 9:00 a.m.
Deadline to file Pretrial Motions I (Dismissal, Discovery, Bill of Particulars, and the like) Reponses to be filed by January 25, 2019; reply briefs, if any, to be filed by February 1, 2019; Noting Date of February 8, 2019	January 11, 2019
Defense to provide reciprocal discovery under Rule 16(b)(1)(A) – (B) and Local CrR 16(a)(2), with continuing obligation per rule 16(c); Defense to provide notices of any defenses alleged under Fed. R. Crim. P. 12.1, 12.2 or 12.3	January 11, 2019
Status Conference/Motions Hearing I	February 22, 2019, 9:00 a.m.

26 ¹ Through counsel, Mr. Wells has indicated that he demands an earlier disclosure of government *Jencks* material. No
27 legal authority was provided to the government supporting that demand.

28 ² Counsel for defendant Martin Jeffrey Banks, Defendant 11 in the *Cheatham* case, has re-stated his objection, previously made for the record and overruled, to the May 2019 trial date. However, he had no objection to the deadlines that flow from that trial date as set forth herein.

	Event	Date
1	Pretrial Motions II (motions based on review of discovery and defense investigation, including motions to suppress wiretap or searches, challenges to venue, substantive severance motions)	February 28, 2019
2 3 4 5 6	Responses due March 14, 2019; Replies, if any, due March 28, 2019; Noting date of March 29, 2019	
7 8	Parties to exchange expert discovery under Rules 16(a)(1)(G) and 16(b)(1)(C)	March 22, 2019
9	Government to identify FRE 404(b) evidence, if any	April 1, 2019
10 11	Deadline for Government to Supersede to Consolidate cases/defendants for trial, if necessary	April 4, 2019
12 13	Status Conference/Motions Hearing II, to include discussion of possible severance issues, if any	April 5, 2019, 9:00 a.m.
14 15	Parties to exchange draft transcripts of recorded calls/meetings for proposed use at trial.	April 8, 2019
16 17	Deadline for motions in limine (including, but not limited to, any challenges to proposed experts); motions re: 404(b) and inextricably intertwined evidence; motions to sever	April 11, 2019
18 19	Responses due April 18, 2019; Replies due April 25, 2019; Noting date April 19, 2019.	
20 21	Parties to exchange objections/proposed revisions to transcripts as to form and content.	April 15, 2019
22 23	Parties to exchange all summary exhibits and underlying data under Fed. R. Evid. 1006; Parties to provide rebuttal expert disclosures	April 22, 2019
24 25 26 27	Parties to exchange <i>Jencks</i> Act Fed. R. Crim. P. 26.2 and <i>Giglio</i> impeachment materials, including information covered by Fed. R. Evid. 806 materials <i>except</i> for government cooperating witnesses or confidential source witnesses.	April 22, 2019

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U.S. v. Cheatham, et al., CR18-131RAJ; U.S. v. Morgan, et al., CR18-132RAJ;
U.S. v. Beasley, CR18-144RAJ; U.S. v. Armstrong, CR18-145RAJ;
U.S. v. Shepard, CR18-147RAJ; U.S. v. Zeigler, CR18-161RAJ

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Event	Date
Government to produce <i>Jencks</i> Act, Fed. R. Crim. P. 26.2 and <i>Giglio</i> impeachment materials, including information covered by Fed. R. Evid. 806 (if any) for government cooperating witnesses and/or confidential source witnesses (if any).	April 26, 2019
Exhibit Lists, Witness Lists, Trial Briefs, Proposed Jury Instructions, Voir Dire and Verdict Forms due	April 26, 2019
Pretrial Conference, including hearings on motions in limine (if necessary)	April 30, 2019, 9:00 a.m.
File proposed trial exhibits (General Order 01-18) and commence Trial	May 6, 2019, 9:00 a.m.

Modifications to the deadlines set forth in this order may be made by the Court based on changing circumstances or for other good cause shown.

DATED this 10th day of October, 2018.

Richard D. Jones

The Honorable Richard A. Jones
United States District Judge